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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,625	02/26/2004	Nicolas G. Adiba	SVL920030142US1 3028P	7652

7590 08/31/2006

SAWYER LAW GROUP LLP  
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Palo Alto, CA 92303

EXAMINER
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VEILLARD, JACQUES

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/789,625

Applicant(s)

ADIBA ET AL.

Examiner

Jacques Veillard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/10/05; 4/04/05</u> . | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

1. This action is responsive to the applicant's communication filed on 2/26/2004.
2. Claims 1-34 are pending and presented for examination.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on February 10, 2004 and April 04, 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, it has been placed in the application file. The information referred to therein has been considered as to the merits.

***Specification***

4. The disclosure is objected to because of the following informalities: the "apply program 105" recites on page 2 line 6, should be -apply program 104--, and the "target table 105" recites on page 2 line 11, should be -target database 105--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 13 recite capturing information for a data update in a source table from a database log, wherein a data value from the data update is not in the database log, wherein the

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update information..., and building a query to obtain the data value from the source table using the update information. It is unclear what the claimed relation is between “capturing information” and “data update” and also, how the ‘obtaining’ of the data value from the source table corresponds to updating data in a source table.

As per claim 25, the same analysis occurs because it is also unclear how the ‘obtaining’ of the data value from the source table corresponds to updating data in a source table!

There is insufficient antecedent basis for the limitation of “the update information” recites in lines 3 and 6 of claim 1; in line 4 of claim 13; and in lines 5 and 8 of claim 25. It is unclear what “the update information is?

There is insufficient antecedent basis for the limitation of “the data” recites in 1 of claim 2; in line 4 of claim 3; in line 4 of claim 10; in line 1 of claim 14, and in line 1 of claim 26.

There is insufficient antecedent basis for the limitation of “the data update information” recites in 2 of claim 5; in line 4 of claim 10; in line 3 of claim 17; in line 4 of claim 22; in line 2 of claim 29 and in line 1 of claim 33.

### ***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-12 appear to be directed to an abstract idea rather than a practical application of the idea. The claims do not result in a physical transformation, nor do they appear to provide a useful, concrete and tangible result. The claimed steps of “capturing...” and “building...” result in the establishment of a query that is intended to be used to “obtain the data value...” Thus, what results from the claimed method is merely a built query. The query is not claimed as applied in a practical application which provides a tangible, i.e., real world result. Instead, it appears to remain a mere abstraction. Therefore, the claims are not statutory and rejected under 35 U. S. C. 101.

9. Claims 13-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims appear to be directed to a computer readable medium with instructions that when accessed by a computer would fail to produce a useful, concrete and tangible result. The functionality of the recited instructions would lead, upon execution, to carrying out an abstract idea (method steps). The steps of “capturing...” and “building...” result in the establishment of a query that is intended to be used to “obtain the data value...” Thus, what results from the recited steps is merely a built query. The query is not claimed as applied in a practical application which provides a tangible, i.e., real world result. Instead, it appears to remain a mere abstraction. Therefore, claims 13-24 are not statutory and they are rejected under 35 U. S. C. 101 as being non-statutory.

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10. Claims 25-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically directed towards a combination of functional and non-functional descriptive material data per se. Claims 25-34 as written appear to be solely a combination of functional and non-functional descriptive material which not claimed as being embodied in a computer readable medium, without the above, the functionality of these instructions steps cannot be realized since it is not directly accessible by computers. Therefore, claims 25-34 appear to be directed to a non-statutory subject matter. Even, if the claims were embodied in an appropriate computer readable medium, they would still not be directed to statutory subject matter and would be rejectable under 35 U. S. C. 101 for lacking a tangible result, since the functionality of building a query remain an abstraction.

***Examiner's Remark***

11. The examiner suggests the applicant(s) to put the limitation of claim 45 into claim 1, the limitation of claim 16 into claim 13 and also into claim 25 in order to overcome the lack of tangible result raise in the rejection above.


***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (571) 272-4086. The examiner can normally be reached on Mon. to Fri. from 9 AM to 4:30 PM, alt. Fri. off..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272- 4146. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JEFFREY GAFFIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

*J.V.*  
*J.V.*

Jacques Veillard  
Patent Examiner TC 2100

August 22, 2006